

STATE PROPERTIES COMMITTEE

Tuesday, March 28, 2006

The meeting of the State Properties Committee was called to order at 10:05 a.m. by Chairman Jerome F. Williams. Other members present were Mr. Robert Griffith representing the Department of Administration and Genevieve Allaire Johnson, Esquire representing the Department of Attorney General. Also in attendance were Robert C. Bromely from Senate Fiscal Office; Marlene McCarthy Tuohy and Attorney Cheryl Asquino from the Department of Administration; Sherrill Smith from Waterfront Pictures, LLC; Mary Hamilton from Facility Management; Stephen G. Tocco from the Rhode Island Capitol Police; Robert Kando from the Board of Elections; Mary E. Kay and John Faltus from the Department of Environmental Management; and Grace Smith, Paul Carcieri, Valeria Bianco, Marc Malkasian, Daniel Clarke, David Coppotelli and Richard Kalunian from the Rhode Island Department of Transportation.

1. New Business - Miscellaneous – The next meeting of the State Properties Committee is scheduled to be held on Tuesday, April 11, 2006. The first item for approval by the Committee were the minutes from the meeting held on March 14, 2006, and from the special meeting held on March 17, 2006. A motion to approve was made by Genevieve Allaire Johnson and seconded by Robert Griffith.

Passed Unanimously

ITEM A – Board of Elections - A request was made by the Board of Elections for permission to enter into lease agreement negotiations with West River Center for temporary storage space. The Board of Elections appeared before the State Properties Committee on February 14, 2006, seeking permission to locate temporary storage space

for the Board. Pursuant to the Committee's request, an advertisement was placed in the Providence Journal on February 18, 2006, as well as being posted on the State Properties Committee website. As a result of said advertisement, seven (7) letters of interest were received by the Board. On March 6, 2006, Robert Kando, Marlene McCarthy Tuohy and Bob Rapoza viewed the seven (7) sites. On March 9, 2006, a pre-bid conference was held at the Board of Elections and six (6) of the proposed bidders attended. Per the advertisement, the bids were due in Ms. McCarthy Tuohy's office on March 9, 2006. On March 27, 2006 at the Board of Elections, Ms. McCarthy-Tuohy presented the five (5) bids, which were received, to Robert Kando, Executive Director, two (2) Board Members and an employee of the Board. A discussion took place regarding the advantages and/or disadvantages of each facility and below are the choices selected in order of selection:

- West River Center located at 148 West River Road, Providence, RI in the amount of \$2,900.00 per month;
- West Davisville Realty Co. LLC located at the Quonset/Davisville Commerce Park, North Kingstown, RI in the amount of \$2,500.00 per month;
- Wanskuck Mills Complex, LLC located at 725 Branch Avenue, Providence, RI in the amount of \$2,370.00 per month;
- Urban Smart Growth located at 1005 Main Street, Pawtucket, RI in the amount of \$3,535.00 per month;
- Dry Bridge Commerce Park located at 376 Dry Bridge Road, North Kingstown, RI in the amount of \$5,000.00.

West River Center was the unanimous choice of the deciding committee. Mr. Kando explained that this facility is very close to the Board's current location allowing them to move employees easily. He further indicated that the price was another factor in the committee's decision. Mrs. Allaire Johnson asked if there were any other factors

besides the location and the price which led to their decision. Mr. Kando stated that the location of the facility was the key item in the decision. Chairman Williams inquired as to why Wankskuck Mills Complex was not considered more seriously as the storage facility, as it is located on Branch Avenue and is available at a lower monthly rental rate than the other choices. Ms. McCarthy Tuohy responded that this facility is located on the second floor and access to the loading dock was via a freight elevator, which would make the moving of property very slow. A motion was made to approve by Robert Griffith and seconded by Genevieve Allaire Johnson.

Passed Unanimously

ITEM B – University of Rhode Island - This item was deferred to a future State Properties Committee Meeting.

ITEM C – Department of Administration – A request was made for approval of and signatures on two (2) Film Agreements allowing Waterfront Pictures, LLC to prepare, film and restore at the State House on March 31, 2006, April 1, 2006, April 2, 2006 and April 3, 2006, and to prepare, film and restore at the Department of Administration building on April 6, 2006. Attorney Cheryl Asquino stated that the Agreements were essentially the same agreements which were previously approved by the State Properties Committee with the exception of certain minor specifics in regard to copyright, assignment, deposit language and acknowledgement that there will be other events occurring at the State House during the term of the filming. Ms. Asquino indicated that the insurance and indemnity provisions remain the same. The Agreements are subject to receipt of a deposit in the amount of \$2,500.00 for the use of the Department of Administration building and a deposit in the amount of \$10,000.00 for the

use of the State House, which will be received prior to the commencement of filming. Ms. Asquino provided the Members of the Committee with copies of the Certificate of Liability Insurance, the Articles of Organization and the Film Location Agreements. Mr. Griffith wanted to be sure that Waterfront Pictures, LLC was aware that both buildings would be fully occupied during portions of the preparation and filming process, particularly on March 31, 2006 and April 1, 2006, which would, of course, create more of a challenge for everyone involved. Ms. Sherrill Smith indicated that they have spoken to Chairman Lally and it was decided that Waterfront Pictures, LLC would prepare the filming sites on Friday, March 31, 2006, film all day Saturday, April 1, 2006, and then restore all property to its previous state on Sunday, April 2, 2006. In closing, Ms. Smith thanked the State Properties Committee and the State of Rhode Island for their support in accommodating Waterfront Pictures, LLC, Warner Bros. and CBS. A motion was made to approve by Robert Griffith and seconded by Genevieve Allaire Johnson.

Passed Unanimously

ITEM D – Department of Environmental Management – A request was made for approval of and signatures on the annual License Agreements between the Department of Environmental Management and Fort Adams Foundation/Trust, Sail Newport, The Museum of Yachting and the Newport Rugby Club for the various functions and events these organizations host at Fort Adams State Park, and with authorization to serve/sell alcoholic beverages. Mr. Faltus stated the License Agreements are basically of the same nature as they have been in previous years. Mr. Faltus also noted that these organizations have been very good in renewing their insurance certificates. However, the Newport Rugby Club's insurance has recently expired in March, Sail Newport and Fort Adams

Foundation/Trust's insurance would expire in May and The Museum of Yachting's insurance would expire in June. Therefore, the Department of Environmental Management requested that the License Agreements be approved by the State Properties Committee subject to the above-referenced organizations providing the renewed certificates of insurance. Chairman Williams asked if dates had been set for the events. Mr. Faltus indicated that the dates and times for each of the events are summarized on an exhibit page attached to the License Agreements. A motion was made to approve by Robert Griffith and seconded by Genevieve Allaire Johnson.

Passed Unanimously

ITEM E – Department of Environmental Management - This item was deferred to the State Properties Committee Meeting to be held on April 11, 2006, at the request of the Department of Environmental Management.

ITEM F – Department of Environmental Management - This item was deferred to the State Properties Committee Meeting to be held on April 11, 2006, at the request of the Department of Environmental Management.

ITEM G – Department of Environmental Management - This item was deferred to the State Properties Committee Meeting to be held on April 11, 2006, at the request of the Department of Environmental Management.

ITEM H – Department of Environmental Management - This item was deferred to the State Properties Committee Meeting to be held on April 11, 2006, at the request of the Department of Environmental Management.

ITEM I – Department of Environmental Management - This item was deferred to the State Properties Committee Meeting to be held on April 11, 2006, at the request of the Department of Environmental Management.

ITEM J - Department of Environmental Management - This item was deferred to the State Properties Committee Meeting to be held on April 11, 2006, at the request of the Department of Environmental Management.

ITEM K - Department of Environmental Management - This item was deferred to the State Properties Committee Meeting to be held on April 11, 2006, at the request of the Department of Environmental Management.

ITEM L – Department of Transportation – A request was made for the renewal of a License Agreement between the Department of Transportation and Donald's Car Corner as part of the License Renewal Program for a parcel of land consisting of approximately 10,600 square feet located at the corner of Union Avenue and Huntington Avenue in Providence. Said parcel of land has and will be utilized for vehicle parking and beautification relative to Donald's Car Corner's pre-owned car sales dealership. Ms. Grace Smith explained that the state owned parcel has no legal access and the location is in an industrial area, which is generally considered less than desirable. Donald's Car Corner owns the abutting parcel of land where its sales office is located. The storage and display of its inventory is on the state owned premises and this land is integral to the business. Ms. Smith stated that on an average there are at least twenty-five (25) cars on the land. However, that number can fluctuate significantly depending on changes in inventory and sales. Although the parcel of land is visible from Route 10, it is directly adjacent to the Route 10 south ramp and the route to the car lot is rather

circuitous. Ms. Smith indicated that the license fee was \$310.00 per month. A more recent appraisal, based upon comparable sales, set a value of \$880.00 per month. The Licensee did not agree with this valuing and countered with an appraisal in the amount of \$470.00 per month; a rate the Department of Transportation found problematic. The Department of Transportation then negotiated a value of \$600.00 per month as a middle ground, keeping in mind that if Donald's Car Corner did not license the premises, they would be more than likely forced to relocate, leaving the State of Rhode Island with a basically inaccessible, impractical vacant lot, which would have to be maintained and for which the State of Rhode Island would be liable. Ms. Smith further explained that it would be difficult to find another occupant for the premises. To that end, the Department of Transportation is satisfied with the \$600.00 per month value. Chairman Williams inquired whether Donald's Car Corner has its business operation on the lot or just the car storage. Ms. Smith indicated that the car storage and inventory is on the state owned lot and the business office is on the adjacent lot which is owned by Donald's Car Corner. Mr. Griffith asked whether the lot was paved or unimproved. Ms. Smith stated that the lot was paved. A motion was made to approve by Robert Griffith and seconded by Genevieve Allaire Johnson.

Passed Unanimously

ITEM M – Department of Transportation – A request was made for renewal of the gratis License Agreement between the Department of Transportation and the Rhode Island Judiciary as part of the License Renewal Program. Ms. Valeria Bianco explained that the Department of Transportation has allowed the Rhode Island District Court to use a parcel of land consisting of approximately 7,800 square feet for employee parking at

the Joseph Garrahy Judicial Complex since 1989. The License Agreement is for a term of five (5) years, which commences on January 1, 2006 and expires on December 31, 2010. The License Agreement also provides for a two (2) year renewal option.

Ms. Bianco stated that the Licensee is aware that the License Agreement is revocable upon notice. Chairman Williams asked if the parking lot was used by employees of the Rhode Island District Court only. Ms. Bianco stated that this License Agreement encompasses only the employees of the Rhode Island District Court. However, there is a separate license agreement concerning the employees of the Rhode Island Family Court which was previously approved by the State Properties Committee. Mr. Griffith asked if this parcel of land is going to be affected by the relocation of I-95 /195. Ms. Bianco stated that she believes there will be some work done at the end of July 2006, with respect to Bridge No. 528, which may affect this property. However, Ms. Bianco stated that she spoke with Mr. Michael Savella of the Department of Transportations' Design Department and he indicated that there was a slim chance that the parking lot may be disrupted. Ms. Bianco assured the State Properties Committee Members that the Department of Transportation would notify the Rhode Island District Court in a timely manner in the event of any disruption of the employee parking. A motion was made to approve by Genevieve Allaire Johnson and seconded by Robert Griffith.

Passed Unanimously

ITEM N – Department of Transportation - A request was made for conceptual approval of a gratis transfer between the Department of Transportation and the Town of Burrillville for land located in Harrisville located near Sherman Farm Road and Callahan School Street. Ms. Bianco explained that the Town of Burrillville approached the

Department of Transportation late last year and inquired whether the Department of Transportation would convey this parcel of land, which consists of approximately 24,000 square feet, to the Town of Burrillville. The Town of Burrillville would like to create a park-like setting on this property which abuts the Nipmuc River. The Town of Burrillville intends to improve this area by leveling the parking lot and clearing a footpath for use by local fishermen. The Town of Burrillville further intends to replace an old guardrail on the inside of the parking lot at their own expense, as well as adding a picnic table and park benches to the area. The Town of Burrillville will maintain the property for use by the public. Ms. Bianco indicated that the Department of Environmental Management welcomes and supports the transfer of this land, as set forth in a memorandum dated March 20, 2006, authored by Lisa Primiano of the Department of Environmental Management. Chairman Williams explained that he would like to know the dollar amount of the Town of Burrillville's investment in the property to ensure that said amount is at least close to the fair market value of the property as this is a request for conceptual approval of a gratis transfer. Ms. Bianco stated that she would contact the Director of Parks and Recreation for the Town of Burrillville and obtain said information. Additionally, Chairman Williams indicated that he does not have a problem with conceptual approval; however, he would like to know the value of the expenditures of the Town of Burrillville prior to final approval. Mr. Griffith asked whether the Town of Burrillville intends to pave the parking lot with asphalt. Ms. Bianco stated that the parking lot would not be paved with asphalt, but rather re-graded so that it is level. Thus, the parking lot will conform to the surrounding wooded area. Chairman Williams indicated that as the property was acquired by condemnation, the Department of

Transportation will have to notify the previous owners of the gratis transfer. A motion was made to approve by Robert Griffith and seconded by Genevieve Allaire Johnson.

Passed Unanimously

ITEM O – Department of Transportation – A request was made for approval of and signatures on a Temporary Easement Agreement between the Rhode Island Department of Transportation and Gilbert Maloney Realty, Inc., in regard to property situated on Rhodes Street and Eudora Street on Assessor's Plat No. 46, Lot 530 in the City of Providence. Mr. Richard Kalunian explained that the Department of Transportation was before the State Properties Committee on February 14, 2006, to obtain conceptual approval for a Temporary Easement Agreement, which in essence was to extend the period of the temporary easement on property owned by Gilbert & Maloney Realty, Inc. for \$5,600.00. Mr. Kalunian is before the Committee today because the Agreements have been executed by the property owner and the Department of Transportation's Director. Chairman Williams asked if there have been any changes to the Agreement since conceptual approval was granted. Mr. Kalunian stated that this is the exact same Agreement which was conceptually approved. A motion was made to approve by Robert Griffith and seconded by Genevieve Allaire Johnson.

Passed Unanimously

ITEM P – Department of Transportation – A request was made for conceptual approval to dispose of 12,000 square feet of excess property in Cranston to Adler Brook Builders, Inc. The parcel of land encompasses a portion of Old Atwood Avenue and fronts three (3) parcels which are owned by Adler Brook Builders, Inc. The parcel of land has been approved for sale as excess land by the Department of Transportation Land

Sales Committee. Mr. Clarke explained that what distinguished this request from other requests was that the Department of Transportation is soliciting the State Properties Committee's approval for a "sole source" sale. Mr. Clarke explained the Department of Transportation's rationale behind this request as follows: The parcel of land consists of a portion of "old" Atwood Avenue. This portion currently provides access to three (3) unimproved lots owned by Adler Brook Builders, Inc. Should someone other than Adler Brook Builders, Inc. be allowed to purchase this property, the three (3) aforementioned lots will become landlocked. Chairman Williams inquired whether the Department of Transportation has done an internal appraisal of this property. Mr. Clarke stated that an internal appraisal had been done and fair market value was determined to be approximately \$15.00 per square foot or \$180,000.00. Chairman Williams stated that it would be the State Properties Committee's usual course of action to put this property up for public sale. However, it is never the Committee's intent to harm property owners by the sale of property. That being said, a motion was made to approve by Robert Griffith and seconded by Genevieve Allaire Johnson.

Passed Unanimously

The Committee moves to go into Executive Session, pursuant to Rhode Island General Law 42-46-4(a)(5) for the specific purpose of discussion of consideration related to the acquisition or lease of real property for public purpose, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

A motion was made to enter into Executive Session by Robert Griffith and seconded by Genevieve Allaire Johnson.

Passed Unanimously

ITEM E1 – Department of Transportation – A request was made for approval of and signatures on the Lease Agreement between the Department of Transportation and

Banner Oldsmobile Buick GMC Truck Inc. After discussion in Executive Session, a motion to approve was made by Robert Griffith and seconded by Genevieve Allaire Johnson.

Passed Unanimously

ITEM E2 – Department of Transportation – A request was made for approval to proceed with the acquisitions of additional temporary easements for a two (2) year period in order to complete the construction of the Berkeley/Martin Street Canal Bridges in Lincoln and Cumberland. After discussion in Executive Session, a motion to approve was made by Robert Griffith and seconded by Genevieve Allaire Johnson.

Passed Unanimously

There being no further business to come before the State Properties Committee, the meeting was adjourned at 10:53 a.m. Genevieve Allaire Johnson made a motion to adjourn, which was seconded by Robert Griffith.

Passed Unanimously

Holly H. Rhodes, Executive Secretary